

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BARBARA ALTOBELLI,

Plaintiff,

v.

PETSMART, INC., *et al.*,

Defendants.

Civil Action No. 20-06563 (FLW)

**ORDER**

**THIS MATTER** having been opened to the Court by the Magistrate Judge's Report and Recommendation, dated January 12, 2022, recommending that the Complaint filed by Plaintiff Barbara Altobelli ("Plaintiff") be dismissed with prejudice and that her counsel be relieved from representation in this matter based on Plaintiff's failure to prosecute this matter, failure to communicate with her counsel, and failure to comply with the Court's Letter Order to Show Cause of October 12, 2021 (ECF No. 27), which required Plaintiff to submit a written explanation by November 10, 2021, regarding her failure to respond to her attorney and prosecute this matter;<sup>1</sup> it appearing that after considering the factors set forth in *Poulis v. State Farm Casualty Co.*, 747 F.2d, 863, 868 (3d Cir. 1984), the Magistrate Judge found that Plaintiff has failed to take the steps necessary to move this case forward to a resolution; it appearing that Plaintiff, despite voluntarily filing this case, has elected to not respond to her attorney's communications nor the Court's Letter Order to Show Cause; it appearing that Plaintiff has failed to file any objection to the Magistrate Judge's Report and Recommendation;<sup>2</sup> it appearing further that the Court cannot proceed without

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<sup>1</sup> The Court's October 12, 2021 Letter Order to Show Cause also required Plaintiff to appear telephonically on November 18, 2021 to show cause why this case should not be dismissed. Despite the Certified Mail receipt having been returned signed by Plaintiff, she did not appear.

<sup>2</sup> The Court also notes that the Report and Recommendation was mailed to Plaintiff by regular and certified mail at both addresses on record for her on January 13, 2022; however, the mail was undeliverable at both locations.

Plaintiff's participation; accordingly, for the reasons set forth in the Magistrate Judge's Report and Recommendation,

**IT IS** on this 29th day of March, 2022,

**ORDERED** that the Magistrate Judge's Report and Recommendation dated January 12, 2022, is hereby **ADOPTED**; and it is further

**ORDERED** that Plaintiff's claims be dismissed with prejudice; and it is further

**ORDERED** that Steven D. Rothblatt, Esq. is relieved as counsel for Plaintiff; and it is further

**ORDERED** that the Clerk of the Court is directed to close the case.

/s/ Freda L. Wolfson

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Hon. Freda L. Wolfson

U.S. Chief District Judge